

PP

PETITION: SMALL CLAIMS CASE

CASE NUMBER (Court Use Only): 323C14-103Plaintiff(s): David E. MackAddress: 7720 McCallum Blvd. #2099

| | | | |
|---------------|--------------|--------------|---------------------|
| <u>Dallas</u> | <u>Texas</u> | <u>75252</u> | <u>972-735-9642</u> |
| City | State | Zip | Phone |

VS.

Defendant(s): Midland Credit Management, Inc.Address: 8875 Aero Drive Suite 200

| | | | |
|------------------|-----------|--------------|---------------------|
| <u>San Diego</u> | <u>CA</u> | <u>92123</u> | <u>800-825-8131</u> |
| City | State | Zip | Phone |

IN THE JUSTICE COURT

JUSTICE OF THE PEACE
PRECINCT 3-2

COLLIN COUNTY, TEXAS

COMPLAINT: The basis for the claim which entitles the plaintiff to seek relief against the defendant is:

Plaintiff received a call on his wireless phone on December 2, 2013 at 8:43 AM from Defendant who used ATDS capable equipment to call his wireless phone # 682-560-1675 from 877-237-0512 without Plaintiff's consent to do so in violation of 47 U.S.C. § 227/Texas Bus. Code Ann. § 305.053.
Defendant failed to identify itself as a debt collector when making the call in violation of 15 U.S.C. § 1692d.

RELIEF: Plaintiff seeks damages in the amount of \$ 1525, and/or return of personal property as described as follows (be specific): _____, which has a value of \$ _____.
 Additionally, plaintiff seeks the following: all costs of this action including, but not limited to, any attorney's fees. Trial by jury is requested.

SERVICE OF CITATION: Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:

Corporation Service Company d/b/a CSC - Lawyers Incorporating Service Company 211 E. 7th St.
Suite 620 Austin, TX 78701

☒ If you wish to give your consent for the answer and any other motions or pleadings to be sent to your email address, please check this box, and provide your valid email address:

mack2001@swbell.net

David E. Mack

Petitioner's Printed Name

David E. Mack
 Signature of Plaintiff or Attorney

7720 McCallum Blvd. #2099

Address of Plaintiff or Attorney

| | | |
|---------------|--------------|--------------|
| <u>Dallas</u> | <u>Texas</u> | <u>75252</u> |
| City | State | Zip |

972-735-9642

Phone Number/Fax Number

Defendant's Information (If known):

Date of Birth: _____

Last 3 Numbers of Driver's License: _____

Last 3 Numbers of SSN: _____

Defendant's Phone Number: 800-825-8131

AFFIDAVIT OF MILITARY STATUS OF DEFENDANT(S)
CAUSE NUMBER: 323C14-103

David E. Mack, PLAINTIFF § IN THE JUSTICE COURT
 VS. § PRECINCT 3-2
Midland Credit Manageme, DEFENDANT § COLLIN COUNTY, TEXAS

My name is [please print] David E. Mack

I am [check one] ☒ the plaintiff or ☐ an authorized agent of the plaintiff in the case described above. I am capable of making this affidavit. I have been duly sworn on oath and the facts in this affidavit are within my personal knowledge and are true and correct.

[check or fill in as applicable]

☒ 1. No defendant in this case is on active duty in the U.S. military (Army, Navy, Air Force, Marines or Coast Guard). The facts on which I base my conclusion are as follows:

The Defendant is a corporation and cannot serve in the U.S. Military.

☐ 2. Defendant [insert name(s)] _____ is on active duty in the U.S. military.

☐ 3. Defendant [insert name(s)] _____ has been deployed by the U.S. military to a foreign country.

☐ 4. Plaintiff and the undersigned (if the undersigned is acting agent of plaintiff) are not able to determine whether any defendant is in the U.S. military – except for any defendant named in 2 above.

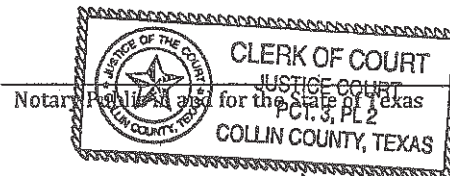
☐ 5. Plaintiff and the undersigned (if the undersigned is acting as an agent of plaintiff) are not able to determine whether any defendant who is in the U.S. military has been deployed to a foreign country – except for any defendant named in 3 above.

☐ 6. Defendant [insert name(s)] _____ has signed, while on active duty, a *separate written waiver* of his or her rights under the U.S. Servicemembers Civil Relief Act of 2003.

David E. Mack
 Affiant

Sworn to and subscribed before me on this the 7 day of April, 2014.

Norakyn Moore
 (Judge) (Clerk)
 Justice Court, Precinct 3-2
 Collin County, Texas



2014 APR-7 PM 1:55
 JUSTICE COURT
 PRECINCT 3-2
 COLLIN COUNTY, TEXAS

FILED